IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 15TH MAY 2007 / 25TH VAISAKHA 1929

WP(C).No. 15188 of 2007(G)

PETITIONER:

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1. VINOD KUMAR.V.V., S/O.NARAYANAN,
   VAYALAVALAPPIL HOUSE, P.O.EDAPPAL,
   MALAPPURAM DISTRICT.

2. ABDUL RAHMAN, S/O.KUNHAMU,
   NACHUVEETTIL HOUSE, KANJIRAMUKKU P.O.,
   MARANCHERRY, MALAPPURAM DISTRICT.

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)
SRI.S.SUJIN

RESPONDENTS:

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1. THE SUB INSPECTOR OF POLICE,
   CHANGARAMKULAM POLICE STATION, MALAPPURAM
   DISTRICT.

2. THE DISTRICT COLLECTOR, MALAPPURAM.

3. STATE OF KERALA, REPRESENTED BY
   CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SMT.SMITHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Antony Dominic, J.

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W.P.(C)No.15188 of 2007

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Dated this the 15th day of May, 2007.

JUDGMENT

The registered owners of two tipper lorries, which are seized by the first respondent in pursuance to the provisions of the Kerala Protection of River Banks and Regulations of Removal of Sand Act, 2001, have filed this Writ Petition. According to the petitioners, what was transported was only red soil to which the provisions of the above Act are inapplicable. On the above ground, the petitioners seek release of the lorries. Exts.P3 and P4 representations are stated to have been filed before the second respondent seeking release of the lorries. However, on the ground that the lorries have not been released, this Writ Petition has been filed. Since proceedings have been initiated against the petitioners under the provisions of the above Act, I think, it is premature to consider the merits of disputes raised by the petitioners. Accordingly, this Writ Petition is disposed of directing the second respondent to take a decision on Exts.P3 and P4, if the same has been received by him and is pending, within a period of three weeks from the date of receipt of a copy of this judgment.

The petitioner is directed to produce a copy of this judgment before the second respondent for compliance.

Antony Dominic
Judge.

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